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09/820,659	03/30/2001	Iqbal, Talib	IGX0001-US	4293

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EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

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DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/820,659

Applicant(s)

TALIB ET AL.

Examiner

Susan Y Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Response to Amendment**

1. This office action is in response to the amendment filed on 01/05/2004.
2. Claims 1-45 are pending for examination, claims 1-3, 5, 9, 11-13, 25, 37 and 39-40 have been amended.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969); *In re Vogel*, 522 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Van Ornam*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.1985); and *In re Goodman*, 29 USPQ 2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321<sup>©</sup> may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-45, are provisionally rejected under the judicially created doctrine of obviousness-type double patenting, as claiming the same invention of the copending application Serial No(s). -- 09/820,613, 09/820,660, 09/820,661, 09/820,662. The mapping of the similar claims is as following:

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<u>'613</u>	<u>'659</u>	<u>'660</u>	<u>'661</u>	<u>'662</u>
1-9	1-9	1-9	1-9	1-9
10	10			
11-21	11-21	11-21	11-21	11
22	22			
23-33	23-33	23-33	23-33	21-29
34	34			
35-42	35-42	35-42	35-42	31-36
44-45	44-45	44-45	44-45	

Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter recited in these five applications are nearly verbatim reproductions of what is claimed in the current application. A detail comparison is given in the following paragraphs:

Regarding claims 1-45 of the instant '613 application, the '659 application claims 1-45, respectively, are drawn to the same invention, except that instead of claiming "an archive of documents" as by the current application, the '659 application claimed "an information directory". The examiner takes official notice that it is well known in the database art to arrange the archived document via an information directory for later reference. Hence, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the '659 application invention by applying the

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well known information directory mechanism on an archived document. Because by doing so, the system is allowed to refer to the stored document with the most common and handy directory structures as desired.

Based on the summary table above, the claims of the instant '659 application and the '660 application, respectively, are drawn to the same invention, except that instead of claiming "an archive of documents" as by the current application, the '660 application claimed "a collection of employment and job data". The examiner takes official notice that it is well known in the database art to archive a collection of employment and job data in a document structure to facilitate the data searching. Hence, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the '659 application invention by storing the collected employment and job data in a document. Because by doing so, the system would provide the ability for end user to search for employment information with ease.

Based on the summary table above, the claims of the instant '659 application and the '661 application, respectively, are drawn to the same invention, except that instead of claiming "an archive of documents" as cited by the current application, the '661 application claimed "an electronic product catalog". The examiner takes official notice that it is well known in the database art to organize archived documents with the electronic product catalog for on-line accessing. Hence, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the '659

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application invention using this well known electronic catalog technique to group data. Because by doing so, the system end user is allowed to access well organized cataloging data as needed.

Based on the summary table above, the claims of the instant '659 application and the '662 application, respectively, are drawn to the same invention, except that instead of claiming "an archive of documents" as cited by the current application, the '662 application claimed "a bioinformatics data collection". The examiner takes official notice that it is well known in the database art to collect bioinformatics data to shift business from laboratory bench to computer desktop. Hence, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the '659 application invention by allowing the collection of bioinformatics data, since by doing so, the system end user is allowed to process bioinformatics data via computer desktop.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

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subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wical (U.S. Patent No. 5,940,821) in view of Van Huben et al. (U.S. Patent No. 6,484,177).

As to claims 1, 13, 25 and 37, Wical discloses a system with method, means and computer program product for searching a data collection, comprising:

- \* an organizer [i.e., the search and retrieval unit (100), Fig. 1] configured to receive search requests, the organizer comprising: a data collection having at least two entries [col. 2, lines 40-65; col. 5, lines 49-52];

- \* wherein the data collection is organized into at least two taxonomies [e.g., see Fig 8A, the social sciences is organized into History, Anthropology, and Linguistics taxonomies];

- \* wherein each of the at least two taxonomies is associated with at least two categories [e.g., see Fig. 8A, the History taxonomies is associated with the Ancient History & Ancient Rome categories; the Anthropology taxonomies is associated with Customs and Practices, Kinship and Marriage, Peoples, & Races of Peoples, etc.; col. 2, lines 40-65; Fig(s). 3-4, 8A-C; 9AC];

- \* wherein the entries correspond to at least one of the at least two taxonomies and also correspond to at least one of the at least two categories [Fig(s). 3-4, 8A-C, 9AC];

\* an index based search engine [e.g. the system 100, Fig. 1] in communication with the electronic product catalog [e.g., the Knowledge Catalog (150), Fig. 1], wherein the search engine is configured to search based on the at least two taxonomies [e.g., the Contextual Tags (720), The Thematic Tags(730), the Stylistic Tags (735), the Content Carrying Words (737), Fig. 13, the Dynamic Classification of Terminology section at col. 29-31] and based on the at least two categories [e.g., the Category<sub>a</sub> – Category<sub>z</sub> at col. 8, Table 1 of the plurality of Document(s) Theme Vector (e.g., 160, Fig. 13) and associated text, col. 4, lines 20-47, the Content Indexing Processor (770, Fig. 13 and associated text)];

\* wherein the search engine, returns, in response to a search request [e.g., the search query “Internet”, col. 25, lines 10-11 ] identifying at least a first taxonomy of the at least two taxonomies [e.g., see Fig. 10A, wherein, the first “Computer Networking” taxonomy with 15 hits is identified from the other 4 categories, in response to the “internet” query], a list of the categories associated with the at least first identified taxonomies, along with the number of entries [e.g., the statement -- “Found 15 Documents and 5 categories, Fig. 10A] associated with each of the categories associated with the at least first identified taxonomies [col. 25, lines 27-45; Fig(s). 10A-C].

The difference between Wical and the invention of claims 1, 13, 25 and 37 is that: these claims relate to “an archive of documents”, whereas Wical relates to a data collection including “a compilation of information from any sources” [col. 5, lines 54-55]



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and does not explicitly indicate that the data collection is "an archive of documents" as claimed.

However, archiving a data collection into the directory of a system is well known in the art, as exemplified by Van Huben et al. (hereinafter referred as Van Huben) [Title, Abstract, Fig(s). 1-4B]. Consider this, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to apply this well known technique into Wical's data query system, because as indicated by Van Huben, the conventional data management system "fails to propose a common system-independent paradigm that can be applied to any type of data ranging from a simple file residing in a file system, to an object under the control of a directory service, all the way to information residing in a traditional database." [Van Huben: col. 2, lines 57-62] Thus, By combining Van Huben's invention into Wical's system would allow the combined system not only classifying data via common means, but also mandating any relationship between the directory service, file system and database [Van Huben: col. 2, lines 62-65].

As to claims 2, 14, 26 and 38, except the features disclosed above, Van Huben further teaches the system have the following features:

- \* the returned list of categories associated with the first taxonomy, along with the number of entries associated with each of the categories associated with the identified taxonomy will be further searched with regard to at least a second taxonomy of the at least two taxonomies [e.g., see Fig. 5].Whereby, the search engine returns, in response to a search request identifying the at least second taxonomies of the at least two

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taxonomies, a list of the categories associated with both identified taxonomies, along with the number of entries associated with each of the categories associated with the second taxonomies [e.g. see col. 15, line 66 - col. 16, line 16 ].

As to claims 3, 15, 27 and 39, except the features disclosed above, Wical further teaches the system have the following features:

wherein the search engine, having returned, in response to a search request identifying at least a first taxonomy of the at least two taxonomies, a list of the categories associated with the identified taxonomies, along with the number of entries associated with each of the categories associated with the identified taxonomies, will provide only those categories with a non-zero number of entries associated with the identified taxonomies and will further return sub-categories both associated with the category and having a non-zero number of entries associated with the sub-category [col. 25 lines 10-45 and Figs 10 B-C].

As to claims 4, 16, 28 and 40, except the features disclosed above, Wical further teaches the system have the following features:

wherein the search engine, having further returned sub-categories both associated with the category and having a non-zero number of entries associated with the sub-category, will, in response to a search request identifying at least a second taxonomy of the at least two taxonomies, provide a list of the categories with a non-zero number of entries associated with the at least second identified taxonomies,

along with the number of entries associated with each of the categories associated with the at least second identified taxonomies [col. 25 lines 10-45 and Figs. 10A-C].

As to claims 5, 17, 29 and 41, except the features disclosed above, Wical further teaches the system have the following features:

wherein the search engine, having returned, in response to a search request identifying at least a first taxonomy of the at least two taxonomies, a list of the categories associated with the identified taxonomies, along with the number of entries associated with each of the categories associated with the identified taxonomies, will, in response to a string query, provide those entries which both contain the string and are associated with the identified taxonomies [col. 25 lines 10-45 and Figs. 10A-C].

As to claims 6, 18, 30 and 42, except the features disclosed above, Wical further teaches the system have the following features: wherein the string is one member of the group consisting of text, image, and graphic [Figs. 11 A-B].

As to claims 7, 19 and 31, except the features disclosed above, Wical further teaches the system have the following features: wherein the system comprises a network of computers [col. 5 lines 55-60].

As to claims 8, 20 and 32, except the features disclosed above, Wical further teaches the system have the following features: the system comprises a single computer [Fig. 14].

As to claims 9, 21 and 33, except the features disclosed above, Wical further teaches the system have the following features: the system further comprises a cache which stores the returned results of the search engine for rapid retrieval [col. 31 lines 65-67].

As to claims 10, 22, 34 and 43, except the features disclosed above, Van Huben further teaches the system have the following features: at least one taxonomy of the at least two taxonomies is selected from the group consisting of products, services, location, industry, business type, etc. [e.g., see Fig. 5].

As to claims 11, 23, 35 and 44, except the features disclosed above, Wical further teaches the system have the following features: the search engine additionally returns an advertising entry [e.g., the Resume Maker, Fig. 8].

As to claims 12, 24, 36 and 45, except the features disclosed above, Wical further teaches the system have the following features: the advertising entry is at least one member selected from the group consisting of a banner advertisement and a search-visible storefront [e.g., 14, 138, Fig. 8].

***Response to Arguments***

Applicant's arguments filed on 01/05/2004 based upon the newly amended features of the claims in the instant application have been considered but are not persuasive.

The examiner disagrees with applicant's arguments that "The Claims have been amended to positively state the searching an archive of documents via an index based search engine. The index based search engine recited in the Claims and delineated in the specification is not shown or disclosed anywhere in either the Wical or Van Huben patents."

In reply to the arguments, the examiner points out that Wical specifically disclosed an index based search engine, for example, the Knowledge Based Search and Retrieval system as shown in Fig. 1, which comprises the Content Index Processor (770) as disclosed in Fig. 13, this processor in communication with the electronic product catalog [e.g., the Knowledge Catalog (150), Fig. 1], wherein the search engine [100, Fig. 1] is configured to search based on the at least two taxonomies [e.g., the Contextual Tags (720), The Thematic Tags(730), the Stylistic Tags (735), the Content Carrying Words (737), Fig. 13 & associated text specifically the Dynamic Classification of Terminology section at col. 29-31] and based on the at least two categories [e.g., the

Category<sub>a</sub> – Category<sub>z</sub> at col. 8, Table 1 of the plurality of Document(s) Theme Vector (160), Fig. 13 and associated text, col. 4, lines 20–47].

Thus, based on the combined discussions cited above, the prior art on record reads the claims recited by applicant.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Chen whose telephone number is (703) 308-

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1155. The examiner can normally be reached Monday through Friday from 7:30 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436. The fax phone number for this group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Chen

March 11, 2004

  
**UYEN LE**  
**PRIMARY EXAMINER**